CHAPTER 4.0

HEARING TRANSCRIPT FORM

BUREAU OF INDIAN AFFAIRS HEARING 2 3 ٤. 5 PUBLIC HEARING IN RE shingle springs rancheria 6 8 9 10 Held at Shingle Springs Community Center 4440 South Shingle Springs Road 11 12 Shingle Springs, California 13 14 Thursday, May 30, 2002 1.5 4:90 - 8:00 p.m. 16 17 18 19 20 Reported by: 21 SANDRA M. BUNCH, RMR. CSR No. 3032 Certified Realtime Reporter 22 Job No. 2070LR 23 24 295

THURSDAY, MAY 30, 2002 4:00 - 8:00 P.M. 2 --000--3 MS. SNELLING: My name is Pat Snelling. 4 S-N-E-L-I-N-G, 4294 Wabasso Lane, Garden Valley, 5 California, 95633. 6 I have gone to these meetings month after month, and it's always the same people with the same 8 rhetoric. They're so focused on the casino, they have totally forgotten about something so much more important. I'm talking about common decency to other 10 human beings. 12 Under your guidelines for the Environmental Impact Report, a section called, "Significant Environment Impact," there is a subsection called. "Health and Safety." No one in this community is willing to talk about the health and safety factors 17 caused by the Grassy Run Subdivision. The only access to the Rancheria goes through Grassy Run. This subdivision, in their efforts to stop the casino, put excessive restrictions on the Rancheria. Please understand these restrictions are only for the Rancheria and not the residents of Grassy Run. 23 I have enclosed pictures 1 through 5 to show 24 the bridge on the only route in or out. You can see

SPEAKERS: 2 Pat Snelling..... 3 Dennis Nickson.... 4 Pauline Sabatelli..... Cheryl Tisa.... 6 Michael Clougher..... 10 Cheryl Tisa..... 13 Chris Anderson..... 14 8 9 Robert Masterson...... 16 10 Marion Soldano..... 11 Ron Dangerfield..... 20 12 Jimmy Evert...... 23 13 14 --000--15 16 17 18 19 20 21 24 25

get past the bridge over to their own property. The Rancheria offered to rebuild the rails on this bridge at their own expense, but Grassy Run refuses to let them do it.

that they have to -- you can see what they have to do to

If you drive by the bridge, you can see the welding scars left when one of the residents cut it down on a previous house – that sounds confusing. They cut the rails down bringing in a previous house. He said he couldn't stand to watch such craziness.

The association threatened him with a steep fine if he didn't weld it back up before the next section of the house went through.

I tilink you can see in these pictures where young men are under the truck. This truck is moving over the wooden planks. The boys have to wait until the tractor tires clear the planks, then the boys spread these planks out so the trailer tires can go up them.

When the Rancheria is bringing a house in, no one can get in or out for hours. So someone from the fire department has to wait on the Rancheria side until all the house sections clear the bridge. And believe me, the fire department was very upset about this.

On this occasion it was a good thing that they were there, because a 90-year old woman went into shock. The fire department's paramedic called for an ambulance.

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You will see in pictures 6 and 7 where she is brought out to the bridge in the back of a blue pickup, and then the ambulance took her to the hospital.

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I cannot figure out how this could be acceptable here in El Dorado County where one group of people can degrade another group of people like this. This was something I saw in Mississippi in the '60s. I thought we were beyond this.

I asked every county board member, Senator Oller and Assemblyman Leslie to stop this insanity. Each one said it was not their jurisdiction. You know, they wouldn't even go on the record to say it was wrong for fear of voter retaliation. To me that is very alarming.

What has happened to us as a people? This is not about watershed or air quality. This is about children and young men in danger of being maimed or killed.

Normally I don't take a stand one way or the other, but on this occasion it is different. If you do not approve this interchange, the Indian community will be left to us as a community that has somehow lost track of their values, and there isn't a single government official who will step up to the plate and say this is wrong. And that's what scares me.

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answered or arrange to get that answered.
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            MS. FEHR: Agnes, A-G-N-E-S, as in Sam, Fehr.
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     3351 Grandview Circle, Shingle Springs, 95682
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            MR. NICKSON: My name is Dennis Nickson.
     N-I-C-K-S-O-N. 3710 Lakeview Drive, Shingle Springs.
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            In my opinion -- I'm against the Rancheria.
     Frankly, I'm against the notion of sovereign immunity
     for five generations of Indians back, and I think that
    socially that this would be a great disservice to the
    neighborhood and the county, and it will absorb all the
    infrastructure. They won't pay their share of fees to
    mitigate the impacts. They will absorb all the highway.
    water, sewer and other infrastructure. There is no
    accommodation for the Rancheria in the General Plan EIR.
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   There's literally no notion of how we are going to
   accommodate their employees' housing. This county right
    now has a median price of 300,000 for a home, and I
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   rather doubt that a bunch of 40 or $30,000 a year
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So that this is an unnecessary development, an unfair imposition to the neighborhood. That they will be immune from lawsuits. If somebody trips and breaks a leg in their casino, they can't be sued. I think that sovereign immunity has gone wildly too far. And really

employees are going to be able to afford any of that.

to put some equity back in the situation, we ought to go

MR. GRISWOLD: Ike Griswold, G-R-I-S-W-O-L-D. 5450 Reservation Road, Placerville, California.

My question is: There is a table in the documents that were handed out February 19th that shows a road along Highway 50 that says it's BIA ownership land inventory, BIA and road inventory, and it states in the paperwork that that particular road will be built in conjunction with the interchange, and that it will be used for constructing the casino while the interchange is being put in.

And my question is, is I live there. The road is mapped through my property, and I would like to know what is going on?

I talked to the BIA gentleman out there; he 15 knows nothing about it, yet it is on the documents. I mean, there's no question. He doesn't know what I'm 17 talking about. I'm going, "It's right there. It's on page 1 of the document." It states Table -- Table A-2 19 and Figure B-2. I'm pretty sure, and right on the second paragraph -- or third paragraph of the deal it talks about that document. Yet BIA supposedly doesn't know anything about that. And I want to know what's really happening.

MARTHA GRISWOLD: Martha Griswold. He said 25 that if we spoke to you, that you could get that

back on a federal level, readdress that notion of sovereign immunity, because every Indian that I'm aware of alive today wasn't part of the war 150 years ago. They have had the same opportunities of every other American; they should have taken advantage of it.

So I'm firmly against the Rancheria. I think that they should do a full-blown EIR, accommodate and pay for the housing, the impacts. They should follow construction codes like everybody else. They should pav the same fees as everybody else. And they should be subject to civil lawsuits just like everybody else.

That's all I have for you.

MS? MITSCHA: Eloise Mitscha, M-I-T-S-C-H-A. 3490 Grandview Circle, Shingle Springs, 95682.

MS. SABATELLI: John and Pauline Sabatelli. 4721 La Casa Drive. We want the casino open. We have waited 20 years for it, since we built our home here. And those Indians are deserving of having their business open. And the traffic is already destructive, anyway, so it can't hurt it no more.

Thank you.

MS. TISA: My name is Cheryl Tisa, C-H-E-R-Y-L, last name, T-I-S-A. I'm with Barbara Lee & Associates Real Estate, on 3975 Douglas Boulevard in Roseville. I'm here representing Mr. Anderson. He has 45 acres in

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nine parcels, five acres each, just to the east of the Rancheria.

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The EIR on display today states there are no alternatives to access the Rancheria other than the alternative Highway 50 interchange designs. We do not believe that's true.

Mr. Anderson owns, again, the 45 acres extending from the Rancheria to Greenstone Road, on which he has -- had designed a right-of-way, an engineered right-of-way to access the Rancheria. The access follows approximately an existing right-of-way design which shows up on a county recorded subdivision map which was recorded May 27th, 1974, one day earlier than the CC&Rs for the subdivision was recorded.

The access road, if built through these 16 45 acres, would be less obtrusive, would cost the tribe approximately \$10 million less to build, and it would also put control of the access back in the hands of the county and the local homeowners.

The local residents would be well buffered. since the road, again, is on 45 acres. The county could work out an agreement with the tribe for fire or police services, which would increase county revenues. And with water an issue in the county, the tribe would gain nine water meters currently servicing the nine five-acre

I don't -- I couldn't see anything in the document that I understood that told me that they had 3 that much traffic on the freeway, and it's my understanding that the - when that goes in, there will 5 be a commercial development out there that will bring in one -- have one-third of the gaming tables that's presently at South Lake Tahoe, and I'm concerned about 8 the traffic and the additional traffic to it, and I want 9 to know if those things have been figured in. 10 Second, I see - I see things out there that say there's supposed to be overpass and an underpass onto the Rancheria at Artesia Road, and I don't - in talking to the gentleman out there, I'm told that

there's not going to be an overpass or an underpass at 14 Artesia Road now because there's been developments that 15 are going to make that a moot point. I want to know 16 what they are talking about and what this plan might be. 17

18 The third item. Since I live at the end of the 19 waterline that comes down Artesia Road, and at the present time I get poor quality water at times and very low pressure at times, and since I've been told by E.I.D. for many years that the Rancheria had one single-family hookup, and I find out two weeks ago that they have been approved for 40 single-family hookups, I want to know what that will do, plus any construction

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parcels, which make up the 45 acres.

The proposal - an environmental assessment was done for this proposal, and that report was submitted to County Counsel, but no reply has been received.

That's the end of my statement.

The current environmental report that we are here at the public hearing today for, on Section 2.3 states there are no alternatives to access the Rancheria when, in fact, we believe there is an alternative alternate, and that is going back into the 45-acre and the right-of-way there. It could be graded.

MR. STAILEY: Stan Stailey, S-T-A-N, Stailey, S-T-A-I-L-E-Y, 4527 Hilwood Drive, Shingle Springs,

MS. STAILEY: Mary Stailey, same address. MR. CLOUGHER: Michael Clougher. C-L-O-U-G-H-E-R: 3001 Shingle Springs Drive, Shingle Springs, California. 95682.

Okay. I need some clarification on some things. First thing, I'm confused because we get information in the local paper that says Highway 50 is going to be a schedule F work - or a travel stoppage within a couple of years, and I want to know if when they - this EIR, whatever it was for this off-ramp was figured out, if that was taken into effect.

that's going down there will do to the waterline that supplies my home and my neighbors.

3 I didn't see anything out there that indicated 4 it, and the two people - the two engineers I talked to were - had no knowledge of a waterline coming down б Artesia Road.

If the Bureau of Indian Affairs as part of this project acquires - has acquired the property that the off-ramp is going on, that five acres and the adjacent two parcels to the east of it, on Artesia Road, what have they done about contacting North Buckeye Rancheros 12 Road Association about the easement of Artesia that they 13 are responsible for? 14

And since - I have a question because in earlier court cases other properties that were in the process of being acquired by the Rancheria were not allowed to have easements onto North Buckeye Rancheros Road, and it would seem that three parcels of land here would be North Buckeye's easements that they are responsible for that the Rancheria would be using.

21 It's my understanding that on the south side of Highway 50 a railroad easement is - there's a railroad easement there that hasn't been given up, and I want to know if this interchange impedes upon that easement at all. I've been told that the easement goes all the way

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to the edge of the highway's easement. 2 I think that will do it. Thank you. 3 MS. TISA: Amending my earlier comments. I wanted to bring to the attention that on May 29th, 1999, Environmental Science Associates prepared for Shingle Springs Rancheria a -- Shingle Springs Rancheria Roadway and Casino Environmental Assessment Report, dated May 21st, 1999. In that it shows the alternative right-of-way through a 45-acre property consisting of nine parcels all under the same ownership, on which the right-of-way -- or access road to the Rancheria could be built. The second item to note was on May 29th, 1974, the county approved and recorded -- or the county

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recorded a subdivision map. This map approved a roadway to access the Miwok tribe lands.

The following day, the CC&Rs for the subdivision to the east of the property were recorded. 18 Since they were recorded one day after the subdivision 19 map, which shows a road being dedicated, the CC&Rs -the subdivision map supersedes. It was recorded a day earlier. That's it.

MR. FONSECA: Nicholas Fonseca, F-O-N-S-E-C-A, 4970 Artesia Road, Shingle Springs, California.

MR. MURRAY: Jeff Murray, M-U-R-R-A-Y. Address

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4910 Koto, K-O-T-O, road, Placerville, 95667.
      MR ANDERSON: Chris Anderson, 9164 Jordan,
J-O-R-D-A-N, Avenue, Chatsworth, California, 91311.
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I'm responding to Section 4.3.3 of the EIR document that is on display today for the public to look at. It talks about an access that has been deemed not an alternative for the tribe, which is a frontage road that goes parallel along Highway 50.

I have in front of me a document prepared by ESA Services dated May 21st, 1999, which deals solely with that frontage road that is referred to in 4.3.3. In this document it indicates that that -- the road proposed -- that frontage road that is proposed is a viable option to the tribe, as represented in this document.

The -- it indicates in 4.3.3 that the tribe has concerns about condemning the land and having the people that live in those homes, in the Grassy Run District. having them forced out of their homes to be able to use that land for access.

Currently the homes are occupied -- all homes within these nine properties, if there is a home located on the property, are occupied by tribal members. So I Jon't understand the concern about relocating the tribal members in an effort to utilize this particular access.

This access was approved back in 1974 by the county. The date is May 29th, 1974. The county recorded the subdivision map with this road designed into the subdivision. It was never created, but it is on the actual map that was approved by the county.

6 The following day the homeowners' CC&Rs were created and approved and put on record, May 30th, 1974, which I can presume the CC&Rs do not allow for access across these properties to go to the reservation. But being as though the map was recorded the day before, the CC&Rs do not currently apply, as far as not allowing 12 this road to be created across these properties.

13 These properties were purchased on behalf of the tribe back in '97 and '98 for this access, following the recorded subdivision map, following the construction of that and purchasing the properties on which this road 17 is designed to be on.

18 So my concerns are that these -- this 19 particular access has not been considered as an alternative access for the tribe. This document has been delivered to El Dorado County Counsel for their review, and we would like Cal Trans to respond as to why this was not considered as an alternative access when, 23 in addition to that, Irene Itamura was made aware of

this, who was the area director previous to the new area

director. She was very interested in this access so it would not disrupt the aesthetics of the surrounding area. She never understood why this was not brought forward as an alternative access. And the same opinion applies today.

The various people on the board of Cal Trans are wondering why this access is not being brought forward, because it is less intrusive on the area, it does not require exceptions being made to off-ramps less than two miles apart from each other, and everything else that has been created to try and put an off-ramp 12 into this area.

So would be -- I'd like to have a formal response to this -- these issues and will be submitting a copy of this report also to Cal Trans for their review.

MR. MASTERSON: Robert Masterson: I live at 6241 Chablis Drive in Shingle Springs.

19 And I have a few questions, comments regarding the Environmental Impact Report. One is why was the Census Tract 309.02 chosen as the project area? The selection of this project area excludes the portion of

23 Shingle Springs south of Highway 50. I think this selection of the project area has biased the

socioeconomical and cultural analysis that's presented

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in the EIR.

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I would like clarification as to why this area was chosen and, for lack of a better word, justification for why the area was not expanded to the south of Highway 50 to include at least the business and historic areas and residential areas of Shingle Springs.

I have a question regarding the calculation of the Bypass Table 5.4-11, passerby capture percent by trip type. The 38.8 percent intuitively seems high. particularly the part of diverted trips associated with the employees.

There seems to be a two-edged sword here that is not really considered in the document. These employees will be typically low wage people. The question is either they are going to live in El Dorado County and impact the affordable housing situation within the county or they are going to be on the road traveling. The affordable housing situation of these employees did not seem to be adequately addressed; that is, the impact of that, or they were understated in the traffic analysis here. And I'd like clarification regarding these calculations and the potential impact of employees' only affordable housing regime within the county.

Regarding Table 4 - I'm sorry, 5.4-18 and 27.

another lane between those two exits - read back that last part.

(Record read.)

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MR. MASTERSON: -- will not adequately address 4 5 this issue as stated in the document. I would like to have additional clarification of how this will mitigate 6 7 the level E and F scenarios that are presented without 8 the lane.

And that's probably all I have got at the moment. I will just have to write up some more stuff.

11 MS. TAUSTA: Ruth Tausta; I have as M my middle initial here, too. My mailing address is P. O. 12 13 Box 1231, El Dorado, California, 95623. And my residence address at this time is 4830 Union Mine Road. 14

15 MS. SOLDANO: My name is Marion Soldano. 16 S-O-L-D-A-N-O. 6721 Settler's Trail, Latrobe. 17 California. They call it sometimes Shingle Springs. 18 95682.

19 And what I'd like to voice my opinion on is for alternative No. 2 exit. And the reason is because the other one, with a red light to me it would block - it would disrupt the flow of traffic, and it could impact on Highway 50. Example, if they have some kind of big gathering, pow wow, or a concert, or something, and this way if there was no light at the top, alternative two

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18 is the existing local roadway impact summary, and 27 is the cumulative local roadway impact summary. I realize that these roads that are listed here are those only that are impacted 2 percent or greater.

I would like clarification how Buckeye Road and Pleasant Valley Road are included in the list at 29.4 percent and 3.1 percent in existing, 12.6 and 2.7 percent on the cumulative, but yet the section of Mother Lode between Ponderosa Exit and Pleasant Valley are judged to be impacted less than 2 percent. Logically, that does not fit. And I would - I would like clarification.

Greenstone Road is another feeder to Mother Lode, and it's on here with an increase of 34.9 percent, but yet Mother Lode is not.

I realize that it is based on a relative percentage increase, and the percentage increase may, in fact, be less than 2 percent, but the impact is, nevertheless, severe.

In Section 5.4-5, cumulative plus project ramp merge/diverge operation, it seems that without the addition of an auxiliary eastbound lane between the interchange and the East Shingle Springs Drive, the interchange will operate at level D or worse.

It seems to me that the simple addition of

i you have smooth flowing, you know, four directions. 2

And that's it. And I hope it goes in. It's been a long time. In fairness to all people, it should go in. Thank you.

MR. DANGERFIELD: My name is Ron Dangerfield, 4848 Artesia Road, Shingle Springs.

My main concern is that there has been no analysis of the human impact, the people that live directly next to this interchange. There's a five-acre parcel that's being taken over, evidently, by the BIA and the state that used to be home to friends of my kids, and now they are going to have a freeway running through it.

Nobody has come to our neighborhood and talked to the neighbors personally about this project or what kind of impact it's going to have. There's all kinds of numbers on paper, figures about how much smog there's going to be, and various other things, but nobody's analyzed the human impact.

Real estate agents don't even want to list my property until this is settled, and they are painting a real negative picture, because what I would like to do is get my family out of there. And these out-of-state gaming interests have bought parcels right around my home for the purpose of this interchange, and I'm

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worried about, you know, the future environment for my family.

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Since it's a sovereign nation, there's no controls really over noise. People complain about the concerts at Cal Expo. They are not going to be able to call the police about noise coming from a sovereign nation. There's no controls over this group.

I guess I'm wondering how this public right-of-way that Cal Trans is using for this interchange, how does this benefit the public, the use of this public right-of-way, when the entire community and the government, local government, is against this project? And they are going to use this public right-of-way to somehow benefit the people. The people that are going to benefit from this project are a handful compared to people that are going to suffer from this project.

I would think that greater public good needs to be weighed by the majority has to benefit. And in this case, it appears the federal government, in particular the BIA and Cal Trans now, is working against the people. And it's disheartening to pay taxes to organizations that we thought were helping people but now are actually destroying people's lives.

It's kind of -- to me it's like eminent

it's about a handful of people becoming multimillionaires, and everybody else losing.

I am also concerned about what kind of precedence this sets to be able to put interchanges in anywhere in the state, anytime anybody wants to do something, whether it's an Indian reservation or whether it's, you know, somebody's business.

8 I mean, why couldn't anybody, if this goes through, be able to say, yeah, we want an interchange. I mean, my property is landlocked from economic development because I don't have an interchange to my house, and I guess I could say that's unfair, but I also have to live in society, and I have to do and treat other people fairly. And those are the rules that we are all supposed to live by. And I don't see the BIA abiding by those rules of human kind.

MR. EVERT: Jimmy Evert. E-V-E-R-T. 410 Durock Court.

All I want to say is that I am in favor of letting these people have their way and build their interchange and their gambling casino.

That's about all that I want to add to it. I wish that these people would quit fussing at them.

All right. Thank you.

(The hearing was concluded at 8:00 p.m.)

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domain. They are cutting through your neighborhood with this project. We have a rural residential neighborhood, and they are cutting through it without giving everybody a chance, you know, to bail out or without compensating people for their losses. I would gladly get out of there if somebody would just pay me fair market value for my house, but there's no way we could get out of there. And it's only going to get worse.

I have lived there for - since 1986 and thought it was going to be the last home I ever bought. And now it's....

I don't know if I mentioned the fact that people -- there's a small number that are going to benefit from this. They have roads going to their residences, or if they want to live on the Rancheria. their roads are much better than the roads that are in my homeowners' association. There's never been an access problem to get to somebody's home. Their access was much better. As far as I know, they don't have to pay to maintain their roads, like everybody else around them does, which is quite expensive.

There's no problem for people getting to their homes, because I could sympathize if it was about getting to their home or about getting to some land that 25 they wanted to live on, but this is about big money,

REPORTER'S CERTIFICATE

This is to certify that I, SANDRA M. BUNCH, am

a Certified Shorthand Reporter of the State of California; that as such I was present at said Public

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hearing in re Shingle Springs Rancheria, before the

Department of Transporation; that as such I took down in stenograph shorthand writing on the 30th day of May,

8 2002, the proceedings had in the above-described hearing

fully and correctly to the best of my ability; that I

thereafter caused my said stenograph shorthand writing 10

11 to be transcribed into longhand typewriting; and that

the pages numbered 1 through 23 constitute said

transcription; that the same is a true and correct 13

transcription of my shorthand writing aforesaid, to the 14

best of my ability. 15

Dated May 31, 2002.

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SANDRA M. BUNCH

23 Certified Shorthand Reporter

Certificate No. 3032

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